

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
RAS Crane, LLC 10700 Abbott's Bridge Road, Suite 170 Duluth, GA 30097 Telephone Number (470) 321-7112 Attorneys For Secured Creditor Kevin Buttery, Esq. (NJ-3800)	CASE NO.: 18-25589-ABA CHAPTER 13 Objection to Confirmation of Debtor's Chapter 13 Plan
In Re: Joseph Sean Diaz, Debtor.	

OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR HILLDALE TRUST ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan (DE # 2), and states as follows:

1. Debtor, Joseph Sean Diaz, ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on August 3, 2018.
2. Secured Creditor holds a security interest in the Debtor's real property located at 58 BRADFORD WAY, VOORHEES, NJ 08043, by virtue of a Mortgage recorded on December 14, 2006 in Book 8414, at Page 1962 of the Public Records of Camden County, NJ. Said Mortgage secures a Note in the amount of \$416,000.00.
3. The Debtor filed a chapter 13 plan on August 3, 2018.
4. The Plan treats Fay's claim on, 58 Bradford Way, as unaffected. However, it is anticipated that Secured Creditor's claim will show the pre-petition arrearage due Secured Creditor is \$18,225.12. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Secured Creditor objects to any plan which proposes to pay it anything less than \$18,225.12 as the pre-petition arrearage over the life of the plan.

5. The Plan does not appear feasible due to inadequate treatment of Secured Creditor's claim. Thus, the plan violates the provisions of 11 U.S.C. § 1325(a)(3) and cannot be confirmed.

WHEREFORE, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

RAS Crane, LLC
Attorney for Secured Creditor
10700 Abbott's Bridge Road, Suite 170
Duluth, GA 30097
Telephone Number (470) 321-7112

By: /s/Kevin Buttery
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NJ Bar Number NJ-3800
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CERTIFICATION OF SERVICE

1. I, Kevin Buttery, represent WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR HILLDALE TRUST
in this matter.
2. On 9/6/2018, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below.
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

9/6/2018

RAS Crane, LLC
Attorney for Secured Creditor
10700 Abbott's Bridge Road, Suite 170
Duluth, GA 30097
Telephone Number (470) 321-7112
By: /s/Kevin Buttery
Kevin Buttery, Esquire
NJ Bar Number NJ-3800
Email: kbuttery@rascrane.com

<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
Steven A. Ragland Steven A. Ragland, Esquire 457 Haddonfield Road Suite 120 Cherry Hill, NJ 08002	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)
Joseph Sean Diaz 58 Bradford Way Voorhees, NJ 08043	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)
Isabel C. Balboa Chapter 13 Standing Trustee Cherry Tree Corporate Center 535 Route 38 - Suite 580 Cherry Hill, NJ 08002	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)
US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)